

RECEIVED 1653

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JUL 23 2003  
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July 22, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Application No. 09/719,410  
Filed: December 12, 2000  
Title: **Glucagon-Like Peptide-1 Improves  $\beta$ -Cell  
Response to Glucose in Subjects with Impaired  
Glucose Tolerance**  
Applicants: Burkhard GÖKE *et al.*  
Atty. Docket: 18528.543

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (PTO):

1. a Response to Restriction Requirement; and
2. a return postcard.

Please stamp the attached postcard with the filing date of these documents and return it to our courier.

Applicants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387, referencing matter number 18528.543. A duplicate copy of this letter is enclosed.

Respectfully submitted,

David R. Marsh (Reg. No. 41,408)  
Dawn Gardner Krosnick (Reg. No. 44,118)

Attachments



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 23 2003

TECH CENTER 1600

Application of:

Burkhard GÖKE *et al.*

Appln. No.: 09/719,410

Filed: December 12, 2000

For: **Glucagon-Like Peptide-1 Improves  $\beta$ -Cell Response to Glucose in Subjects with Impaired Glucose Tolerance**

Art Unit: 1653

Examiner: Abdel A. Mohamed

Atty. Docket: 18528.543

Confirmation No.: 8826

## RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1459  
Alexandria, VA 22313-1450

Sir:

In complete response to the Restriction Requirement mailed June 26, 2003, Applicants offer the following remarks.

In the Restriction Requirement, the claims of the instant invention were divided into the following three groups of invention:

I. Claims 10-38, drawn to a method for treating an individual/human with impaired glucose tolerance by administering the composition comprising a compound which binds to a receptor for "GLP-1" and a pharmaceutical carrier thereof;

II. Claim 39, drawn to a method for treating an individual whose symptoms indicate increased risk of a cardiovascular event by administering the composition comprising a compound which binds to a receptor for "GLP-1" and a pharmaceutical carrier thereof; and

III. Claim 40, drawn to a method for treating an individual whose symptoms indicate increased risk of cerebrovascular event by administering the composition comprising a compound which binds to a receptor for "GLP-1" and a pharmaceutical carrier thereof.

Applicants hereby elect the invention of Group I, claims 10-38.

The election is made *with* traverse. Applicants respectfully submit that, according to the MPEP § 803, a restriction between patentably distinct inventions is proper only where there is

serious burden on the Examiner to examine all the claims in a single application. This is true even when appropriate reasons exist for a restriction requirement.

In the present application, it is believed that because there is a close relationship between the subject matter of the Group I, II and III claims, there would be no serious burden on the Examiner to examine both sets of claims at this time. Claims 10-40 all relate to methods for treating various disorders using the same compound/composition. As such, there is a close relationship between the subject matter of these three sets of claims. It is respectfully believed that there would be no serious burden on the Examiner to examine all of claims 10-40 together at this time.


In light of the above, withdrawal of the requirement for restriction between Groups I, II and III is respectfully requested, and such action is believed to be in order.

Early and favorable action in the form of a Notice of Allowance is respectfully requested.

Applicants do not believe that any fees are due at this time. However, if any fees are required, then the Commissioner is authorized to deduct the fees from Arnold & Porter Deposit Account No. 50-2387 referencing matter 18528.543.

In the event that there are any questions relating to this response or the application in general, it would be appreciated if the Examiner would contact the undersigned attorney so that prosecution would be expedited.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)

Dawn Gardner Krosnick (Reg. No. 44,118)

Date: July 22, 2003

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